

§AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

GENERAL CAPITAL PARTNERS

THIRD PARTY SUMMONS IN A CIVIL ACTION

V. DEFENDANT AND THIRD PARTY PLAINTIFF

LIBERTY RIDGE, LLC (f/k/a AMERICAN
HERITAGE COMMUNITY/LIBERTY
VILLAGE, LLC)

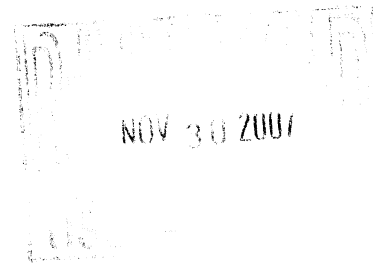
Case Number: 07CV4089

V. THIRD PARTY DEFENDANT

LIBERTY HERITAGE ASSOCIATES, INC.

To: Name and address of Third Party Defendant

LIBERTY HERITAGE ASSOCIATES, INC.
c/o Corporation Service Co.
11 S. 12th Street, P.O. Box 1463
Richmond, VA 23218



YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Christopher Giaimo
1675 Broadway
New York, New York 10019

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

Bleakley Platt & Schmidt LLP
One North Lexington Avenue
White Plains, New York 10601

an answer to the third-party complaint which is served on you with this summons, within 30 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. Michael McMahon

CLERK

CLERK

(By) DEPUTY CLERK

OCT 31 2007

DATE

Index # 07 cv 4089

Purchased/Filed: October 31, 2007

AFFIDAVIT OF SERVICE ON A CORPORATION BY THE SECRETARY OF STATE

State of New York

U. S. District Court

Southern Dist. County

General Capital Partners, LLC

Plaintiff

against

Liberty Ridge, LLC (f/k/a American Heritage Communities/Liberty Village, LLC)

Defendant

STATE OF NEW YORK)
COUNTY OF ALBANY) SS
CITY OF ALBANY)**DESCRIPTION OF PERSON SERVED:**Weight: 120 Lbs. Height: 5' 0" Sex: Female s. teHair color: Brown Other: _____


Robin Brandow, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on November 2, 2007, at 2:00pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed Third-Party Summons & Complaint on Liberty Heritage Associates Inc., the


Defendant in this action, by delivering to and leaving with Carol Vogt, AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, one (1) true copy thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40.00 dollars; That said service was made pursuant to Section BUSINESS CORPORATION LAW §307.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Sworn to before me on this

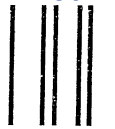
2nd day of November, 2007


 FAITH COZZY
 NOTARY PUBLIC, State of New York
 No. 01CO6158874, Albany County
 Commission Expires Jan 8, 2011


 Robin Brandow

Invoice-Work Order # 0722554

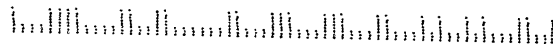
UNITED STATES POSTAL SERVICE


 First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

 J. CLAY PLATT & SCHMIDT
 ONE NORTH LEXINGTON AVENUE
 WHITE PLAINS, NEW YORK 10601-1700

attn: M. Parise, Esq.



SENDER- COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i>	
		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <i>Corporation Service Co. 11 S. 12th St. P.O. Box 1463 Richmond, VA 23218</i>		B. Received by (Printed Name) <i>[Signature]</i>	C. Date of Delivery <i>1/12</i>
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		7001 0320 0005 0021 3794	